

This listing of claims will replace all prior versions, and listings, of claims in the application:

**LISTING OF CLAIMS:**

**1. (Currently Amended)** A system for making a determination of whether a claim for a defense under a liability insurance policy should be referred to a higher review level comprising:

a computer particularly configured with:

particular data ~~setting forth~~ pertaining to a multiplicity of categories of circumstances relevant to ~~analyzing the determination regarding referral~~ of the claim for defense; which either apply or do not apply ~~to the claim~~, and

computer-executable instructions particular for determining from the number of categories found to apply whether the claim for defense should be referred to a higher review level, wherein the computer-executable instructions include programmed weightings of the applicable categories used for making the determination and a programmed threshold of the sum of weightings of the total categories or a sub-set of categories which determines the referral result, and

computer-executable instructions for display of the results of applicable categories and the result of the determination of whether a claim for a defense under a liability insurance policy should be referred to a higher review level.

**2. (Currently Amended)** A method for determining whether a claim for a defense under a liability insurance policy should be referred to a higher review level comprising:

conducting, on a computer configured with particular data on whether each of a multiplicity of categories of circumstances relevant to ~~analyzing the determination regarding referral of~~ the claim for defense either apply or do not apply, computer-executable instructions particular to determining, based on: how many categories apply, programmed weightings of the categories which apply and a programmed threshold of the sum of weightings of the total categories or a sub-set of categories, whether the claim for a defense under a liability insurance policy should be referred to a higher review level,

displaying on the computer the results of applicable categories and result of determination of whether a claim for a defense under a liability insurance policy should be referred to a higher review level.

**3. – 4. (Canceled)**

**5. (Previously presented)** A system according to claim 1, further comprising computer-executable instructions for determining, from the number of categories found to apply, whether the claim should be automatically referred to a higher review level without further analysis or referred to a higher review level with qualification of an additional analysis.

**6. (Previously presented)** A method according to claim 2, further comprising computer-executable instructions for determining, from the number of categories found to apply, whether the claim should be automatically referred to a higher review level without further analysis or referred to a higher review level with qualification of an additional analysis.

**7. (Previously presented)** A system according to claim 5, wherein computer is further configured to display the results of applicable categories so that multiple categories are displayed in a primarily prominent portion of the display and other categories are displayed in a secondarily prominent portion, the determination of referral being made from the categories in both such portions.

**8. (Previously presented)** A method according to claim 6, wherein the computer display contains multiple categories in a primarily prominent portion and other categories in a secondarily prominent portion, the determination of referral being made from the categories in both such portions.

**9. – 10. (Canceled)**

11. **(Previously presented)** A system according to claim 7 wherein the primarily prominent portion contains five categories.

12. **(Previously presented)** A method according to claim 8 wherein the primarily prominent portion contains five categories.

13. **(Original)** A system according to claim 11 wherein the five categories in the primarily prominent portion are: 1) Preliminary Analysis Suggests Denial; 2) Mixed Suit - Covered and/or Potentially Covered with Uncovered Claims; 3) Key Policyholder Counsel Tenders Claim for Defense or Independent/Cumis Counsel Involved; 4) Misrepresentation or Omission in Application and/or Pre-existing Loss Suspected; and one of the following: 5) Umbrella/Excess Coverage by Company, 6) Defense Tendered by Other than Named Insured, 7) Latent and/or Continuous and Progressive Injury or Damage, 8) Other Carriers Involved, or 9) Target Claims/Damages Alleged.

14. **(Original)** A method according to claim 12 wherein the five categories in the primarily prominent portion are: 1) Preliminary Analysis Suggests Denial; 2) Mixed Suit - Covered and/or Potentially Covered with Uncovered Claims; 3) Key Policyholder Counsel Tenders Claim for Defense or Independent/Cumis Counsel Involved; 4) Misrepresentation or Omission in Application and/or Pre-existing Loss Suspected; and one of the following: 5) Umbrella/Excess Coverage by Company, 6) Defense Tendered by Other than Named Insured, 7) Latent and/or Continuous and Progressive Injury or Damage, 8) Other Carriers Involved, or 9) Target Claims/Damages Alleged.

15. **(Original)** A system according to claim 13 wherein the secondarily prominent portion contains the other categories 5) to 9) not on the primarily prominent portion plus the following categories: 10) Internet-Related Liability Issues, 11) Potential Personal Injury or Advertising Injury, 12) Insolvent Insurer and/or Guaranty Fund Involved or On Notice, 13) SIR of \$100,000 or More, and 14) Employment-Related Claims.

16. **(Original)** A method according to claim 14 wherein the secondarily prominent portion contains the other categories 5) to 9) not on the primarily prominent portion plus the

following categories: 10) Internet-Related Liability Issues, 11) Potential Personal Injury or Advertising Injury, 12) Insolvent Insurer and/or Guaranty Fund Involved or On Notice, 13) SIR of \$100,000 or More, and 14) Employment-Related Claims.

**17. (Original)** A system according to claim 1 wherein at least one category also contains associated with it one or more selectable data entries which relate to bases for finding the category applicable.

**18. (Original)** A method according to claim 2 wherein at least one category also contains associated with it one or more selectable data entries which relate to bases for finding the category applicable.

**19. (Original)** A system according to claim 15 wherein each category also contains associated with it one or more selectable data entries which relate to bases for finding the category applicable.

**20. (Original)** A method according to claim 16 wherein each category also contains associated with it one or more selectable data entries which relate to bases for finding the category applicable.

**21. – 32. (Canceled)**

**33. (Previously presented)** A system according to claim 1 wherein the computer includes at least one data entry for information identifying the claim.

**34. (Previously presented)** A method according to claim 2 wherein the computer includes at least one data entry for information identifying the claim.

**35. – 38. (Canceled)**

**39. (Previously presented)** A system according to claim 1 which further includes computer-executable instructions for changing the programmed weightings applicable to each

category based on the previous data indicating that particular categories deserve more or less weight in making the determination.

**40. (Previously presented)** A method according to claim 2 which further includes computer-executable instructions for changing the programmed weightings applicable to each category based on the previous data indicating that particular categories deserve more or less weight in making the determination.

**41. (Previously presented)** A system according to claim 15, wherein the programmed weightings for the categories in the primarily prominent portion are higher than the programmed weightings for the categories in the secondarily prominent portion.

**42. (Previously presented)** A method according to claim 16, wherein the programmed weightings for the categories in the primarily prominent portion are higher than the programmed weightings for the categories in the secondarily prominent portion.

**43. (Currently Amended)** A system according to claim 1, wherein the computer-executable instructions for determination of whether a claim for a defense under a liability insurance policy should be referred to a higher review level ~~includes~~ include:  
computer-executable instructions to provide a determination and display of whether: the claim made under the liability insurance policy either in full or in part is plainly not covered by the policy, the claim made under the liability insurance policy either in full or in part is potentially covered and therefore obligates the insurer to defend but not indemnify the policyholder, or the claim made under the liability insurance policy either in full or in part is plainly covered by the policy and thus obligates the insurer to both defend the policyholder and pay any settlement or judgment, and

optionally, also includes a determination of whether the above determinations can be made by the claims handling personnel with or without management review.

**44. (Currently Amended)** A method according to claim 2, wherein the determination of whether a claim for a defense under a liability insurance policy should be referred to a higher review level includes:

a determination of whether: the claim made under the liability insurance policy either in full or in part is plainly not covered by the policy, the claim made under the liability insurance policy either in full or in part is potentially covered and therefore obligates the insurer to defend but not indemnify the policyholder, or the claim made under the liability insurance policy either in full or in part is plainly covered by the policy and thus obligates the insurer to both defend the policyholder and pay any settlement or judgment, and optionally, also includes a determination of whether the above determinations can be made by the claims handling personnel with or without management review.